

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 214.10, 214A.2 and 215.24, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 85, "Weights and Measures," Iowa Administrative Code.

The proposed amendments require that pumps for ethanol blended gasoline classified as higher than E-10 must have a "for flex fuel vehicle only" sticker on the handle and shall not have an octane rating posted. Designations for ethanol blended gasoline are outlined. Blender pumps selling ethanol blended gasoline classified as higher than E-10 and gasoline must have at least two hoses per pump. Obsolete language on natural gasoline raffinate is eliminated.

Any interested persons may make written comments or suggestions on these proposed amendments on or before 4:30 p.m. on December 10, 2008. Written comments should be sent to Margaret Thomson, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319; or faxed to (515)281-6236. E-mail comments may be sent to [Margaret.Thomson@IowaAgriculture.gov](mailto:Margaret.Thomson@IowaAgriculture.gov).

No waiver provision is included in these proposed amendments. However, the Department's general waiver provisions, found at 21—Chapter 8, apply.

These amendments are intended to implement Iowa Code chapter 214A as amended by 2008 Iowa Acts, House File 2689.

The following amendments are proposed.

ITEM 1. Adopt the following new subrule 85.48(11):

**85.48(11)** Ethanol blended gasoline classified as higher than E-10 shall have a visible, legible "for flex fuel vehicle only" sticker on the pump handle.

ITEM 2. Rescind and reserve subrules **85.48(12)** and **85.48(13)**.

ITEM 3. Amend subrule 85.48(14) as follows:

**85.48(14)** Octane rating of fuel offered for sale shall be posted on the pump in a conspicuous place. However, no octane rating shall be posted on the pump for ethanol blended gasoline classified as higher than E-10.

ITEM 4. Adopt the following new subrule 85.48(16):

**85.48(16)** Ethanol blended gasoline shall be designated E-xx where "xx" is the volume percent of ethanol in the ethanol blended gasoline and biodiesel shall be designated B-xx where "xx" is the volume percent of biodiesel. Ethanol blended gasoline formulated with a percentage of ethanol between 70 and 85 percent by volume shall be designated as E-85.

ITEM 5. Adopt the following new rule 21—85.50(214,214A,215):

**21—85.50(214,214A,215) Blender pumps.** Motor fuel blender pumps or blender pumps installed or modified after November 1, 2008, which sell both ethanol blended gasoline classified as higher than E-10 and gasoline need to have at least two hoses per pump.